

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

Jon Frey

a/k/a "victorbravo9922"

Case No. 20-mj-1704

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 23, 2020 in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

18 U.S.C. 2252(a)(2)

Offense Description

Distribution and attempted distribution of child pornography

See Attachment A.

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

/s/ Robert Nelson

Complainant's signature

Rob Nelson, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/16/2020

/s/ David R. Strawbridge

*Judge's signature*City and state: Philadelphia, PA

Honorable David R. Strawbridge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Robert J. Nelson, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Philadelphia Division, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the FBI, and have been since July of 2019. Since December of 2019, I have been assigned to the Philadelphia Division where I have been a member of the Child Exploitation and Human Trafficking Task Force. I have received training from the FBI in the enforcement of federal child pornography laws. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review examples of child pornography (as defined in 18 U.S.C. § 2256) in various forms of media, including computer media.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. This affidavit is being submitted in support of a criminal complaint and arrest warrant charging JON FREY, date of birth September 11, 1974, with distribution and attempted distribution of visual depictions of minors engaging in sexually explicit conduct, in violation of Title 18, United States Code, Section 2252(a)(2).

4. The statements in this Affidavit are based in part on my investigation of this matter and on information provided by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that JON FREY committed violations of 18 U.S.C. § 2252(a)(2).

LEGAL AUTHORITY

5. Title 18 U.S.C. § 2252(a) prohibits a person from knowingly transporting, shipping, receiving, distributing, reproducing for distribution, possessing, or accessing with intent to view any visual depiction of minors engaging in sexually explicit conduct, produced using a minor engaged in such conduct, when such visual depiction was either mailed or shipped or transported in interstate or foreign commerce, or in or affecting interstate commerce, by any means, including by computer, or when such visual depiction was produced using materials that had traveled in interstate or foreign commerce, and any attempts to do so.

PROBABLE CAUSE

6. In January of 2020, a law enforcement officer acting in an undercover capacity (hereafter Online Covert Employee or OCE) began utilizing the Kik application to conduct investigations of individuals trading child pornography. The OCE was monitoring the communications of the users in the Kik group “undera_ge” which is known to the OCE as a group which trades child pornography.

7. On February 24, 2020, the OCE reviewed weeks’ worth of chats within the Kik group “undera_ge,” and observed that Kik user “victorbravo9922” was a member of the group “undera_ge.” The OCE observed “victorbravo9922” distribute one file depicting apparent child pornography to the members of “undera_ge.” The OCE video captured “victorbravo9922” distributing the file, and then downloaded the file from the group chat for further review.

8. Your Affiant reviewed the file distributed by “victorbravo9922,” and in your Affiant’s opinion, it depicts child pornography within the meaning of Title 18 U.S.C. § 2256. This file is the basis of the charge in the Complaint and Warrant, and is further described below:

a. On February 23, 2020, at approximately 9:35 p.m. CT, “victorbravo9922”

distributed a video, approximately 46 seconds in length, which depicted an adult male lying on his back with his erect penis exposed. A prepubescent female, approximately 5 to 8 years old, is performing oral sex on the adult male.

9. On February 28, 2020, an administrative subpoena was served to Kik for subscriber information associated with the username “victorbravo9922.” Among the information provided by Kik, were IP addresses associated with the access to the account.

10. The Kik log in IP addresses were determined to be serviced by Verizon FiOS. On March 5, 2020, an administrative subpoena was served to Verizon FiOS for subscriber information for one of the IP addresses used to log into the account during the time of the child pornography distribution on Kik. Among other information provided by Verizon FiOS was the subscriber’s residence address associated with the IP address: 3049 Almond Street, Philadelphia, Pennsylvania 19134. The customer name was JON FREY.

11. A query of the Accurant Law Enforcement database for 3049 Almond Street, Philadelphia, Pennsylvania 19134 resulted in records for two individuals: (1) JON P. FREY, date of birth September 11, 1974, and (2) Amy Frey, date of birth July 30, 1975.

12. Further investigation regarding JON P. FREY resulted in the following information:

- a. Pennsylvania Department of Motor Vehicles (DMV) records revealed that JON P FREY has a valid Pennsylvania driver’s license, and listed his home address as 3049 Almond Street, Philadelphia, Pennsylvania 19134. The photograph associated with the license was taken on September 8, 2018.
- b. Philadelphia Property Records (www.property.phila.gov), revealed that

JON P. FREY and Amy E. Frey were the listed owners for 3049 Almond Street, Philadelphia, PA 19134.

13. On August 3, 2020, United States Magistrate Judge David R. Strawbridge authorized federal search warrant 20-1311-M to search for and seize evidence from the residence at 3049 Almond Street, Philadelphia, Pennsylvania 19134.

14. Search warrant 20-1311-M was executed on August 6, 2020. JON P. FREY (hereinafter “FREY”) was present at the time of the search warrant and agreed to speak with the Agents. FREY was advised he was not under arrest and he did not have to speak with the interviewing Agents, which FREY acknowledged he understood. The interview was audio recorded.

15. Among other statements, FREY admitted that he lived in the home with his wife and 12-year old daughter, and had lived there for approximately 13 years. He admitted to using the Kik application to engage in chats with other users about sexual exploitation of children. He advised that he used Kik for the last year, but told agents that he deleted and reinstalled Kik a few weeks prior to the search warrant execution on August 6, 2020, and last used Kik just a few days before August 6th. FREY admitted that he has copied files from Kik chat groups and shared them in other Kik chat rooms in order to stay “active” in these groups. According to FREY, there were approximately 12 instances where FREY took sexually explicit files from one Kik group and shared them to another Kik group. He also stated that he has posted images of himself in these Kik groups. FREY admitted to being a member of the Kik group titled “undera_ge.”

FORENSIC RESULTS – ADDITIONAL EVIDENCE

16. Pursuant to Search and Seizure Warrant 20-1311-M, Agents seized multiple electronic items from FREY’s residence. This included FREY’s cell phone, the contents of

which were extracted and reviewed by your Affiant. The cell phone is further identified as:

Detected Phone Model: iPhone 7
Serial: F71SHS5SHG6W
Owner Name: Jon's iPhone
Apple ID: jfrey40535@outlook.com
MSISDN: +1(215)854-9285

17. FREY's cell phone was reviewed by law enforcement. The applications Kik, Whisper, and Mega were found on FREY's cellphone. The username associated with the Kik account was "vicbravo69" with the email account as "vicbravo123@gmail.com."

18. Within the Kik application, there were several child exploitive chats which Kik user "vicbravo69" sent via private message to other Kik users. For example:

- a. On July 15, 2020 at approximately 2:02:05 AM (UTC -4) Kik user "vicbravo69" sent a private message to Kik user "PurpleQueenOfHearts" stating "I started molesting my daughter a 2." On this same date, within the same conversation, at approximately 2:02:50 AM (UTC -4), "vicbravo69" stated "I'm strongly sexually attracted to girls 5-13."
- b. On July 25, 2020, at approximately 2:54:10 PM (UTC -4), Kik user "vicbravo69" sent a private message to Kik user "shelbiix.x" stating "I was eating out my daughter since she was 2." On this same date, within the same conversation, at approximately 2:56:17 PM (UTC -4), "vicbravo69" stated "When my wife went out she knew it was touch time and would come ask me to lick her."
- c. On August 3, 2020 at approximately 12:55:29 AM (UTC -4), Kik user "vicbravo69" sent a private message to Kik user "AriaMia128" stating "I've done things with my daughter." On this same date, within the same

conversation, at approximately 12:57:22 AM (UTC -4) “vicbravo69” stated “She would actually ask for me to do things and knew only to ask when my wife was out”, followed by “Just oral at first”, at approximately 12:57:43 AM (UTC -4), and then “Intercourse” at 12:58:11 AM (UTC -4).

19. Also found within the Kik application were numerous public groups that “vicbravo69” was a member of. Such groups included “mega..cp,” “mega4fun,” “mega.linkfree,” “megalinkpost,” and “mega11little.”

20. Approximately 76 Mega URL links were sent by users within Kik groups which “vicbravo69” was a member of. An examination of FREY’s device showed that a number of these Mega URL links were found within FREY’s device’s web history and were visited using that device multiple times up until August 2020.

21. A further review of FREY’s iPhone revealed that the iPhone contained approximately 203 cache files of images and video that, based on your Affiant’s training and experience, depict child pornography within the meaning of Title 18 U.S.C. § 2256. Among these 203 files, approximately 183 files were cache files found within the Mega application.

22. Your Affiant is aware that a cache file is a file stored locally by the user’s device after accessing an application or website. The purpose of a cache file is to allow the device to function faster the next time it opens that particular application or website. It does so by loading the cache files from the device, rather than having to communicate with the application or website to retrieve those files. In this instance, the recovery of cache files depicting child pornography within the Mega application means that at some point, the user accessed and viewed these files within the Mega application, at which time the device saved these cache files to the device to allow faster access in the future.

23. On August 26, 2020 an Investigator with the New Zealand Department of Internal Affairs (“NZDIA”) advised your Affiant that three of the 11 Mega URL links known to have been accessed by FREY, as described in the above Paragraphs 19 and 20, in the NZDIA Investigator’s opinion, are confirmed to contain Child Sexual Abuse Material (“CSAM”).

24. On September 1, 2020 the NZDIA Investigator provided your Affiant with files containing the Basic Subscriber Information (“BSI”) for each of the three users who are associated with one of the three links containing CSAM described above, as well as a.zip file folder titled “305I-PH-3295258”. The Investigator advised that the zipped folder contains the content of the three Mega URL links containing CSAM that are described above. Your Affiant downloaded the zipped folder named “305I-PH-3295258” containing the content of the three Mega URL links, but did not view its content pending the application of a search warrant.

25. On September 9, 2020, Magistrate Judge Lynne A. Sitarski authorized agents to search the contents of the .zip folder titled “305I-PH-3295258.” *See* Case No. 20-mj-1500.

26. Your Affiant reviewed the contents of the .zip file folder titled “305I-PH-3295258” and confirmed that the files contained thousands of images and videos of child pornography, within the meaning of 18 U.S.C. § 2256.

CONCLUSION

27. Based upon the information above, I respectfully submit there is probable cause to believe that JON FREY violated 18 U.S.C. § 2252(a)(2) (Distribution and Attempted Distribution of Child Pornography) on or about February 23, 2020, as described in Attachment A. Therefore I respectfully request that the attached warrant be issued authorized the arrest of JON P. FREY, date of birth September 11, 1974.

Respectfully submitted,

/s/ Robert Nelson

Robert J. Nelson
Special Agent, FBI

Subscribed and sworn to
before me on October 16, 2020.

/s/ David R. Strawbridge

HONORABLE DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Count One – Distribution and Attempted Distribution of Child Pornography – 18 U.S.C. Section 2252(a)(2)

On or about February 23, 2020, in Philadelphia, in the Eastern District of Pennsylvania, defendant JON P FREY, date of birth September 11, 1974, did knowingly distribute and attempted to distribute a visual depiction using a means or facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, the producing of which involved the use of a minor engaged in sexually explicit conduct, and the visual depiction was of such conduct.